

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

DePuy Mitek, Inc.
a Massachusetts Corporation

Plaintiff,

v.

Arthrex, Inc.
a Delaware Corporation, *et al.*

Defendants.

Civil Action No. 04-12457 PBS

DEFENDANTS ARTHREX, INC.'S AND PEARSALLS LTD.'S MOTION *IN LIMINE*
TO PRECLUDE DR. BROOKSTEIN FROM TESTIFYING AS AN EXPERT AT TRIAL
REGARDING THE EFFECT OF COATING ON FIBERWIRE'S PROPERTIES OR
PERFORMANCE

Pursuant to the Pretrial Order dated June 19, 2007, defendants Arthrex, Inc. and Pearsalls, Ltd. (together, "Defendants") hereby move the Court *in limine* for an Order precluding Dr. Brookstein from testifying as an expert at trial regarding the effects of coating on FiberWire's properties or performance. Dr. Brookstein repeatedly admitted at his deposition that he has absolutely no prior knowledge about coating's effect on suture properties, he also went out of his way to not become educated on the subject, and his only exposure to coating's effect on suture properties is in connection with this litigation. The reasons for Defendants' motion are included in their Memorandum in support of this motion being filed concurrently herewith.

Dated: July 13, 2007

Respectfully submitted,

By: /s/Charles W. Saber

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